S.B.Cr.Misc. Bail Appli. No.4824/2007
(Dhala Ram & Anr. Vs. State of Rajasthan)

Date of order : October 05, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.J.S.Choudhary, for the petitioners.
Mr.Ashok Upadhyaya, P.P. for the State.
Mr.D.K.Godara, for the complainant.

Heard learned counsel for the petitioners and the Public Prosecutor for the State assisted by counsel for the complainant. Perused the order impugned and the police investigation diary of this case as well as of cross-case.

It is contended by learned counsel for the petitioner that there is a cross-case being FIR No.101/2007, Police Station, Mathania against the complainant party. In the cross-case, the accused party also suffered the injuries.

From perusal of the police investigation diary of CR. No.100/2007, it appears that there are two persons from the complainant party, who alleged to have suffered the head injuries apart from other injuries i.e. burn injuries by acid. On

perusal of the statement of injured witness, who suffered the head injuries, it appears that the head injuries have been assigned to the present petitioners. There are number of injured persons viz. Harish, Girdhari Ram, Mala Ram, Narpat, Veera Devi and Dhanna Ram. Keeping in view the nature of the injuries alleged to have been caused to the injured, though there is a cross-case, in which the accused party also suffered injuries, yet keeping in view the number of injuries as also the head injuries caused to the injured persons apart from the other injuries i.e. burn injuries by acid, in my view, it is not a fit case to grant anticipatory bail to the petitioners.

The bail application filed by the petitioners under section 438 Cr.P.C. is, therefore, dismissed.

(H.R.PANWAR),J.

m.asif/-